

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

v.

KEYHOLE, INC., and  
GOOGLE INC.

Defendants.

CIVIL ACTION NO. 04-11129 DPW

**DEFENDANTS' MOTION FOR LEAVE TO FILE  
A SURREPLY BRIEF REGARDING CLAIM CONSTRUCTION**

Nelson G. Apjohn (BBO No. 020373)  
**NUTTER McCLENNEN & FISH LLP**  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 439-2000  
Fax: (617) 310-9000

Attorneys for Defendants and  
Counterclaimants  
KEYHOLE, INC. and GOOGLE INC.

Of Counsel  
Darryl M. Woo, admitted *pro hac vice*  
Maclain Wells, admitted *pro hac vice*  
Kent E. Kemeny, admitted *pro hac vice*  
**FENWICK & WEST LLP**  
Embarcadero Center West  
275 Battery Street  
San Francisco, CA 94111  
Tel. (415) 875-2300  
Fax (415) 281-1350

Pursuant to Local Rule 7.1(B)(3), Defendants Keyhole, Inc. and Google Inc. submit herewith the attached proposed Surreply Brief Regarding Claim Construction (“Surreply”), and by this motion, seek this Court’s leave to file the same.

Leave to submit the Surreply is sought to address and correct numerous misstatements of the law and facts contained in Skyline’s Reply Memorandum On Its Proposed Claim Construction (“Skyline Reply”). Evidently hoping that it would get the last written word, Skyline misstates Defendants’ arguments, mischaracterizes the content of Dr. Feiner’s declaration, and cites out of date caselaw, thereby misleading the Court. Defendants thus respectfully request that they be permitted to file the attached Surreply in order to set the record straight.

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), counsel for Defendants called counsel for Plaintiff on April 14 and April 15, 2005 in an attempt to meet and confer on the issues raised herein, but counsel for Defendants did not respond.

Dated: April 15, 2005

Respectfully submitted,

By:           /s/ Darryl M. Woo            
Darryl M. Woo  
**FENWICK & WEST LLP**  
Embarcadero Center West  
275 Battery Street  
San Francisco, CA 94111  
Tel. (415) 875-2300  
Fax (415) 281-1350  
email: [dwoo@fenwick.com](mailto:dwoo@fenwick.com)

Attorneys for Defendants and  
Counterclaimants  
KEYHOLE, INC. and GOOGLE INC.